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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,594	08/23/2000	Spencer Andrew Meister	DDM00-031	2456

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EXAMINER

BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,594

Applicant(s)

MEISTER ET AL.

Examiner

Michael Butler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1 and 3-36 is/are pending in the application.
- 4a) Of the above claim(s) 9-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3-8 and 18-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

Drawings

2. New drawings will be required contingent upon allowance because the drawings were declared informal by the applicant.

Restriction/Election

3. Applicant's election of the Group I claims on 6/3/02 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The restriction requirement was previously made final in paper 5.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 28-36 are rejected under 35 U. S. C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The applicant has used the following terms with a lack of antecedent basis in the claims: said cooperation.

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Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (c) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 1, 3-5, 7, 18-24, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Veeneman et al. which discloses:

(Re: cl 1, 21) apparatus for dispensing at least one indicium of value (gift certificate in cooperation with an attached companion device a companion device with delivery of a product apparatus (26 envelope dispenser) comprising:
control means for controlling dispensing (24)
actuator coupled to control means (14/48)
link for effecting cooperation (fig 3)
(re: cl 21) apparatus and companion device assembled in unitary configuration (600/602)
(re: cl 2) companion means includes a dispensing means (26)
(re: cl 3, 22) communications means for communicating (c6 L 16-27; c5 L 1-3)
memory means for storing operational information (c5 L 5-24)
(re: cl 4, 23) communication means comprises a telephone connection with a remote controlling station (c6 L 16-27; c5 L 1-3)
(re: cl 5, 24) communication means comprises an input access port for providing control by an operator (c3 L 30-35)
(Re: cl 7, 26) at least one item of value comprises a coupon redeemable for at least one second product (c15 L 5-65)
(re: cl 18) method for dispensing at least one item of value from an apparatus in cooperation with operation of a companion device comprising
providing a control means for controlling a providing (24)
providing a means for effecting dispensing means (14/48)
providing a link for effecting cooperation (fig 3)
(re: cl 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (c6 L 16-27; c5 L 1-3)

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providing a memory means for storing operational information (c5 L 5-24)
(re: cl 20) communicating a directive comprising a change from a remote locus
(c6 L 16-27; c5 L 1-3).

8. Claims 1, 3, 5-6, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ramsey et al. which discloses:

(Re: cl 1, 21) apparatus for dispensing at least one indicium of value (c3 L 34-37)
in cooperation with an attached companion device a companion device with
delivery of a product apparatus comprising:
control means for controlling dispensing (c9 L 45-52; c9 L 64-c10 L 14)
actuator coupled to control means (c9 L 45-52)
link for effecting cooperation (33; c9 L 52-63)
companion means includes a dispensing means (c9 L 45-52)
(re: cl 3, 22) communications means for communicating (c8 L 42-60; 109 fig 14)
memory means for storing operational information (c7 L 20-55; c9 L 52-63)
(re: cl 5, 24) communication means comprises an input access port for providing
control by an operator (c8 L 42-67)
(re: cl 6, 25) communications system comprises a satellite communication
connection with a remote controlling station (c8 L 42-60; 109 fig 14)
(re: cl 18) method for dispensing at least one item of value from an apparatus in
cooperation with operation of a companion device comprising
providing a control means for controlling a providing (c9 L 45-52; c9 L 64-c10 L
14)
providing a means for effecting dispensing (c9 L 45-52)
providing a link for effecting cooperation (33; c9 L 52-63)
(re: cl 19) communication means coupled with apparatus for communicating
operation information with apparatus regarding operation of apparatus (c8 L 42-
60; 109 fig 14)
providing a memory means for storing operational information (c7 L 20-55; c9 L
52-63)
(re: cl 20) communicating a directive comprising a change from a remote locus
(c8 L 42-67).

9. Claims 1, 3, 5, and 18-19 and 21-22, and 24 are rejected under 35 U.S.C. 102(b)
as being anticipated by Flubacker which discloses:

(Re: cl 1, 21) apparatus for dispensing at least one indicium of value (40 stamp
dispensing) in cooperation with an attached companion device a companion
device with delivery of a product apparatus (c3 L 32-53) comprising:
control means for controlling dispensing (c3 L 54-62)
actuator coupled to control means (c4 L 18-46)

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link for effecting cooperation (770)
 (re: cl 21) apparatus and companion device assembled in unitary configuration (c3 L 10-52)
 companion means includes a dispensing means (c3 L 32-53)
 (re: cl 3,22) communications means for communicating (c9 L 7-62)
 memory means for storing operational information (c9 L 7-c38)
 (re: cl 5, 24) communication means comprises an input access port for providing control by an operator (c8 L 52-c9 L 6)
 (re: cl 18) method for dispensing at least one item of value from an apparatus in cooperation with operation of a companion device comprising
 providing a control means for controlling a providing (c3 L 54-62)
 providing a means for effecting dispensing (c3 L 32-53)
 providing a link for effecting cooperation(770)
 (re: cl 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (c9 L 7-62)
 providing a memory means for storing operational information (c9 L 7-c38).

10. Claims 1, 3, 7-8, 18-19, 21-22, and 26-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Ostgaard which discloses:

(Re: cl 1) {21} apparatus for dispensing at least one indicium of value (c3 L 4-15) in cooperation with an attached companion device a companion device with delivery of a product apparatus (c3 L 4-15) comprising:
 control means for controlling dispensing (c4 L 1-25)
 actuator coupled to control means (c3 L 4-15)
 link for effecting cooperation (c4 L 1-25)
 (re: cl 21) apparatus and companion device assembled in unitary configuration (12; c2 L 47-57)
 companion means includes a dispensing means (c3 L 4-15)
 (re: cl 3,22)communications means for communicating (c4 L 1-25)
 memory means for storing operational information (c4 L 1-25)
 (Re: cl 7, 26)at least one item of value comprises a a coupon redeemable for at least on second product (c3 L 4-15)
 (Re: cl 8, 27) at least one item comprises a product sample (c3 L 4-15)
 (re: cl 18) method for dispensing at least one item of value from an apparatus in cooperation with operation of a companion device comprising
 providing a control means for controlling a providing (c4 L 1-25)
 providing a means for effecting dispensing means (c3 L 4-15)
 providing a link for effecting cooperation(c4 L 1-25)
 (re: cl 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus(c4 L 1-25)
 providing a memory means for storing operational information (c4 L 1-25).

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11. Claims 1, 3, 5, 7-8 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Maggard et al. which discloses:

(Re: cl 1, 21) apparatus suitable for dispensing at least one indicium of value in cooperation with an attached companion device, a companion device with delivery of a product apparatus comprising:
control means for controlling dispensing (18)
actuator coupled to control means (74)
link for effecting cooperation (c5 L 25-50)
companion means includes a dispensing means (20)
(re: cl 3, 22) communications means for communicating, (c8 L 20-37)
memory means for storing operational information (c5 L 25-65)
(re: cl 5, 24) communication means comprises an input access port for providing control by an operator (c10 L 30-41)
(Re: cl 7, 26) at least one item of value comprises a coupon redeemable for at least one second product (c8 L 20-50)
(Re: cl 8, 27) at least one item comprises a product sample (20)
(re: cl 18) method for dispensing at least one item of value from an apparatus in cooperation with operation of a companion device comprising
providing a control means for controlling a providing (c8 L 20-50)
providing a means for effecting dispensing means (c8 L 37-50)
providing a link for effecting cooperation (c8 L 20-37)
(re: cl 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (c8 L 37-50)
providing a memory means for storing operational information (c8 L 20-50).

12. Claims 28-31, 33 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Helbling '497 which discloses:

(Re: cl 28) control unit for dispensing at least one indicium in response to door opening, dispensing means responsive to control means, link between apparatus and newspaper dispensing means (c2 L 1-12)
(Re: cl 29) communications means for using with a newspaper vending machine
memory means for storing operational information (c2 L 25-29)
(Re: cl 30) telephone connection (c4 L 16-18)
(Re: cl 31) operator accessible communications access port (c4 L 19-26)
(Re: cl 33) coupon (c2 L 1-10)
(Re: cl 36) electronic link (c4 L 16-18).

Claim Rejections - 35 USC § 103

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13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1, 3, 5-6, and 18-22, and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al. in view of Comer et al. in which Ramsey et al. discloses the elements previously discussed and Comer et discloses the elements not inherently disclosed by Ramsey et al. of:

(re: cl 21) apparatus and companion device assembled in unitary configuration (c6 L 6-18)

It would have been obvious at the time of the invention for Ramsey et al. to dispense a receipt from the same kiosk attached to the product dispenser because having the receipt dispenser associated with the product dispenser facilitates pre-connection to sub-systems in a modular kiosk as taught by Comer et al. and come up with the instant invention.

15. Claims 1, 3-6, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al. in view of Phillips et al. ('415) in which Ramsey et al. discloses the elements previously discussed and Phillips et al. discloses the elements not inherently disclosed by Ramsey et al. of:

(re: cl 4,23) communication means comprises a telephone connection with a remote controlling station (p37 3-13).

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It would have been obvious at the time of the invention for Ramsey et al. to use a telephone to control dispensing because financial verification can result in credit card sales as taught by Phillips et al. and come up with the instant invention.

16. Claims 28-31, 33-34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helbling '497 in view of Ostgaard et al. in which Helbling '497 discloses the elements previously discussed and

Ostgaard discloses the elements not inherently disclosed by Helbring '497 of:

(Re: cl 34) at least one item of value comprises a coupon redeemable for at least one second product (c3 L 4-15).

It would have been obvious at the time of the invention for Helbring '497 to dispense a sample to introduce and prospective customers to a product and encourage future purchases as taught by Ostgaard et al. and come up with the instant invention.

17. Claims 28-33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helbling '497 in view of Ramsey et al. in which Helbling '497 discloses the elements previously discussed and

Ramsey et al. discloses the elements not inherently disclosed by Helbring '497 of:

(Re: cl 32) communications system comprises a satellite communication connection with a remote controlling station (c8 L 42-60; 109 fig 14)

It would have been obvious at the time of the invention for Helbring '497 to dispense a sample to introduce and prospective customers to a product and encourage future purchases as taught by Ramsey and come up with the instant invention.

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Conclusion

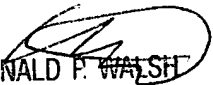
18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.

Michael E. Butler

Michael E. Butler
Examiner


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